

IC 5-22-3

Chapter 3. General Provisions

IC 5-22-3-1

Good faith requirement

Sec. 1. All parties involved in the negotiation, performance, or administration of contracts under this article shall act in good faith.
As added by P.L.49-1997, SEC.1.

IC 5-22-3-2

Compliance with terms and conditions of gift

Sec. 2. Notwithstanding this article, a governmental body may comply with the terms and conditions of a gift if noncompliance with those terms and conditions would invalidate the gift.
As added by P.L.49-1997, SEC.1.

IC 5-22-3-3

Rules; written policies

Sec. 3. (a) A governmental body may adopt rules to regulate purchases of the governmental body. A rule adopted under this subsection may:

- (1) supplement this article; and
- (2) not be inconsistent with this article.

(b) The purchasing agency of a governmental body may establish written policies for purchases made by the purchasing agency. The written policies may apply to all purchases generally or to a specific purchase as stated in the solicitation for the purchase. A written policy established under this subsection may:

- (1) supplement this article or a rule adopted by the purchasing agency's governmental body; and
- (2) not be inconsistent with this article or a rule adopted by the purchasing agency's governmental body.

As added by P.L.49-1997, SEC.1.

IC 5-22-3-4

Electronic transmission of notice or other materials

Sec. 4. (a) Whenever this article requires that notice or other material be sent by mail, the material may be sent by electronic means as stated in any of the following:

- (1) Rules adopted by the governmental body.
- (2) Written policies of the purchasing agency.
- (3) A solicitation.

(b) Rules, written policies, and solicitation statements described in subsection (a):

- (1) are subject to this article; and
- (2) must provide that the transmission of information is at least as efficient and secure as sending the material by mail.

(c) A governmental body may receive electronic offers if both of the following apply:

- (1) The solicitation indicates the procedure for transmitting the

electronic offer to the governmental body.

(2) The governmental body receives the offer on a fax machine, by electronic mail, or by means of another electronic system that has a security feature that protects the content of an electronic offer with the same degree of protection as the content of an offer that is not transmitted by electronic means.

(d) A governmental body conducting a reverse auction must receive electronic offers for supplies through an Internet purchasing site.

As added by P.L.49-1997, SEC.1. Amended by P.L.31-2002, SEC.2; P.L.1-2003, SEC.19; P.L.93-2004, SEC.7.

IC 5-22-3-5

Offers submitted by trusts

Sec. 5. (a) This section applies whenever a trust submits an offer to a governmental body to do either of the following:

- (1) Enter into a contract with the governmental body.
- (2) Purchase surplus property from the governmental body under this article.

(b) As used in this section, "trust" has the meaning set forth in IC 30-4-1-1(a).

(c) An offer submitted by a trust must identify all of the following:

- (1) Each beneficiary of the trust.
- (2) Each settlor empowered to revoke or modify the trust.

As added by P.L.49-1997, SEC.1.

IC 5-22-3-6

Property interest in award of contract

Sec. 6. An offeror does not gain a property interest in the award of a contract by a governmental body unless:

- (1) the offeror is awarded the contract; and
- (2) the contract is completely executed.

As added by P.L.49-1997, SEC.1.